UNITED STATES PATENT AND TRADEMARK OFFICE

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NG, FAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 February 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _23-44_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _23-38 and 42-44_ is/are rejected.

7)☒ Claim(s) _39-41_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _02/02/2006_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> a.   Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claim 23 is rejected under 35 U.S.C. 101 because there is not physical structure to perform the method steps. Consequently, the steps are trade as abstract ideas, and could be perform mentally.

3.   Claims 24-32 are rejected under 35 U.S.C. 101 because claim 23 is being rejected, therefore all its dependent claims are rejected also.

4.   Claim 44, is being rejected under 35 USC 101, because of a computer program is not statutory, furthermore, the word "capable" is intended use and it doesn't has to be in the memory.

Drawings

5.   The drawings are objected to under 37 CFR 1.83(a) because they fail to number or a brief description of each box as described in the specification. Any structural detail

that is essential for a proper understanding of the disclosed invention should be shown

in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37

CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

Claim Objections

6.   Claim 23 is objected to because of the following informalities: There are two "at"

in the claim, ...traffic dispersion at lest one ... Appropriate correction is required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

>   (a)   A patent may not be obtained though the invention is not identically
>   disclosed or described as set forth in section 102 of this title, if the
>   differences between the subject matter sought to be patented and the prior
>   art are such that the subject matter as a whole would have been obvious at
>   the time the invention was made to a person having ordinary skill in the art to
>   which said subject matter pertains. Patentability shall not be negatived by
>   the manner in which the invention was made.

8.   Claims 23-25 27-28, 32, 33-35, 37-38, 42 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Peleg (US 2004/0042398) in view of Duffield (US 6873600).

9.   As per claim 23, (New) **Peleg teaches** A method for evaluating traffic dispersion

at least one exchange in a communications network, the exchange being arranged for

applying a set of routing rules in selectively allotting to a plurality of links incoming traffic

directed toward a given destination, comprising the steps of:

10.

11.   … the distribution thus obtained being statistically representative of the

dispersion of said incoming traffic **([0139] :computer the statistical measure of the**

traffic, see Fig. 3A and [0147] shows that incoming traffics are measures at #170)

over said plurality of links at said exchange **(Fig. 3A, shows plurality and at the**

exchange #170).

12.   **Peleg doesn't teach** incrementally generating traffic quantums representative of said traffic and producing a distribution of said traffic quantums over said links in said plurality according to said set of routing rules…

13.

14.   **But Duffield teaches** incrementally generating traffic quantums representative of said traffic **(col. 3, line 44-51 and please refer to Fig. 11 (sampling subsystem): here the labels are the traffic quantums, because they both represent the incoming traffic. The label is also incrementally generated, since in line 46-47: generate a packet label for each sampled packet, so the more sampled packet coming in, the more labels will be generate)**; and producing a distribution of said traffic quantums **(Fig. 5B: is producing a distribution of labels to represent traffic, note as above described traffic quantums is the same as labels)** over said links in said plurality according to said set of routing rules **(col. 2, line 45-48: In order to infer how … routing protocol (rules) and link states has to be available. So the routing rules is necessary to have, therefore the measurement is according to routing rules)**,

15.   Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Duffield's idea into Peleg talk about the measured traffic can be represent in a statistical way, and Duffield suggest producing a distribution of the traffic, the benefit is to give network engineering a clear picture when the traffic is heavy and what time is light, this help network engineering analysis the network.

16.   As per claim, 24, **Peleg and Duffield teaches** (New) The method of claim 23,

comprising the steps of:

17.   **Peleg teaches** measuring the volume of said incoming traffic directed toward

said given destination **(Fig. 13, #1100: computer the unutilized the capacity is the**

same as measuring the incoming traffic, since must first know the incoming

traffic than the capacity can be calculated); and generating said traffic quantums

(Fig. 13 #1130) by subdividing said measured traffic volume by a given number of loop

steps **(Fig. 13, #1130: free capacity divided by number of links)**.

18.   As per claim 25, (New) **Peleg and Duffield teaches** The method of claim 23,

comprising the steps of:

19.   **Peleg teaches** determining, for each link in said plurality **(Fig. 3A, #170 is a**

measuring module, also show in [0147] with plurality of link), a number of call

attempts **(Fig 1, #100: traffic load)** and a corresponding number of seizures **(reserved**

capacity). if said number of call attempts equals said number of seizures **([0160]: here**

traffic load is the call attempts, and reserved capacity are number of seizures),

setting a load limit for applying said set of routing rules for said link equal to the number

of circuits available in the link **([0160]: the load limit is the reserved capacity, and the**

routing rules is not to change the unreservable capacity and it is simply remains

zero. Note, in case of unreservable capacity equal to zero, the reserved capacity

(number of circuits available) equal the traffic load (number of call attempts)); and

if said number of call attempts is greater than said respective number of seizures **(Fig.**

1, #100, when traffic load (number of call attempts) greater than reserved capacity

(number of seizures) go to #110), setting said load limit equal to the outgoing traffic

volume measured by the exchange on said link **(Fig. 1, #110, set the unreservable**

capacity equal to the extra traffic, so together reservable and unreservable

capacity equal to the outgoing traffic, and which is measured by #110).

20.   As per claim 27 **Peleg and Duffield teach** (New) the method of claim 25,

comprising the steps of:

21.   **Pelege teaches** selecting within said network at least a first exchange receiving

traffic from at least a second and a third exchange **(Fig. 3A, #170 is the first**

exchange, it receive traffic from link e1 and e2 can be consider as second and

third exchange); and obtaining, based on respective distributions of said quantums of

traffic generated at said second and third exchanges **([0147]: obtaining the**

distributions of quantums of traffic 18 from link e1 and 12 from link e2), traffic

dispersion data indicative of:

the traffic (TVmxp) incoming into said first exchange from said second exchange

([0147]: traffic 18 is obtain from second exchange); and the traffic (TVnxr) incoming

into said first exchange from said third exchange **([0147]: traffic 12 is obtain from**

third exchange).

22.   As per claim 28, **Peleg and Duffield teach** (New) The method of claim 27,

23.   **Peleg teaches** comprising the step of obtaining, based on respective

distributions of said quantums of traffic **([0147]: base on the distribution traffic obtain**

from link e1 (second), link e2 (third) and link e3), distribution data representative of

the traffic toward a given destination generated at said first exchange different from

traffic (TVmxp, TVnxr) incoming from said second and third exchanges **([0148] and Fig.**

1, #110, #120, Fig. 2A, #140. if the actual traffic load is different from the reserved

capacity, First exchange will allocate new capacity to each link. Note, distribution

data representative of the traffic is the same as capacity representative of the

traffic, see [0147]: measurement of the traffic … 16, 12, 8 … and 18, 12, 9 units in

fact in use).

24.   As per claim 32, **Peleg and Duffield teach** (New) the method of claim 23,

25.   **Peleg doesn't teaches** wherein said steps of incrementally generating traffic

quantums representative of said traffic and producing a distribution of said traffic

quantums are performed in the absence of interference with operation of said

communications network.

26.   **Duffield teaches** wherein said steps of incrementally generating traffic quantums

representative of said traffic **(col. 3, line 44-51 and please refer to Fig. 11 (sampling**

subsystem): here the labels are the traffic quantums, because they both

represent the incoming traffic. The label is also incrementally generated, since in

line 46-47: generate a packet label for each sampled packet, so the more sampled

packet coming in, the more labels will be generate) and producing a distribution of

said traffic quantums **(Fig. 5B: is producing a distribution of labels to represent**

traffic, note as above described traffic quantums is the same as labels) are

performed in the absence of interference with operation of said communications

network **(Fig. 11, the input buffer #1120 and sampling system #1130 are in different**

path thus no interference or delay).

27.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to implement Duffield's idea into Peleg talk about the measured

traffic can be represent in a statistical way, and Duffield suggest producing a distribution

of the traffic, the benefit is to give network engineering a clear picture when the traffic is

heavy and what time is light, this help network engineering analysis the network.

28.   As per claim 33, (New) **Peleg teaches** A system for evaluating traffic dispersion

at least one exchange in a communications network, the exchange being arranged for

applying a set of routing rules in selectively allotting to a plurality of links incoming traffic

directed toward a given destination, comprising an evaluation module configured for:

29.   **Peleg teaches** … the distribution thus obtained being statistically representative

of the dispersion of said incoming traffic **([0139] :computer the statistical measure of**

the traffic, see Fig. 3A and [0147] shows that incoming traffics are measures at
#170) over said plurality of links at said exchange **(Fig. 3A, shows plurality and at
the exchange #170)**.

30. **Peleg doesn't teach** incrementally generating traffic quantums representative
of said traffic and producing a distribution of said traffic quantums over said links in said
plurality according to said set of routing rules…

31. **Duffield teaches** incrementally generating traffic quantums representative of
said traffic **(col. 3, line 44-51 and please refer to Fig. 11 (sampling subsystem):
here the labels are the traffic quantums, because they both represent the
incoming traffic. The label is also incrementally generated, since in line 46-47:
generate a packet label for each sampled packet, so the more sampled packet
resulting labels will be increase)**; and producing a distribution of said traffic quantums
**(Fig. 5B: is producing a distribution of labels to represent traffic, note as above
described traffic quantums is the same as labels)** over said links in said plurality
according to said set of routing rules **(col. 2, line 45-48: In order to infer how …
routing protocol (rules) and link states has to be available. So the routing rules is
necessary to have, therefore the measurement is according to routing rules)**,…

32. Thus it would have been obvious to one of ordinary skill in the art at the time of
the invention was made to implement Duffield's idea into Peleg talk about the measured

traffic can be represent in a statistical way, and Duffield suggest producing a distribution

of the traffic, the benefit is to give network engineering a clear picture when the traffic is

heavy and what time is light, this help network engineering analysis the network.

33.   As per claim 34, **Peleg and Duffield teach** (New) The system of claim 33,

Peleg teaches comprising a measuring module for measuring the volume of said

incoming traffic directed toward said given destination **(Fig. 13, #1100: computer the**

unutilized the capacity is the same as measuring the incoming traffic, since must

first know the incoming traffic than the capacity can be calculated), said evaluation

module being configured for generating said traffic quantums **(Fig. 13 #1130)** by

subdividing the traffic volume measured by said measuring module by a given number

of loop steps **(Fig. 13, #1130: free capacity divided by number of links)**.

34.   As per claim 35, **Peleg and Duffield teach** (New) the system of claim 33,

comprising:

35.   **Peleg teaches** a measuring module configured for determining , for each link in

said plurality **(Fig. 3A, #170 is a measuring module, also show in [0147] with**

plurality of link), a number of call attempts **(Fig 1, #100: traffic load)** and a

corresponding number of seizures **(reserved capacity)**; and a routing rules generating

module for setting a load limit for applying said set of routing rules **(Fig. 1, #100, #110,**

#120 are routing rules, and reserved and unreserved capacity is the load limit),

said routing rules generating module being configured for: if said number of call

attempts equals said number of seizures (**[0160]: here traffic load is the call**

attempts, and reserved capacity are number of seizures), setting a load limit for

applying said set of routing rules for said link equal to the number of circuits available in

the link (**[0160]: the load limit is the reserved capacity, and the routing rules is not**

to change the unreservable capacity and it is simply remains zero. Note, in case

of unreservable capacity equal to zero, the reserved capacity (number of circuits

available) equal the traffic load (number of call attempts)), and if said number of call

attempts is greater than said respective number of seizures (**Fig. 1, #100, when traffic**

load (number of call attempts) greater than reserved capacity (number of

seizures) go to #110), setting said load limit equal to the outgoing traffic volume

measured by said measuring module on said link (**Fig. 1, #110, set the unreservable**

capacity equal to the extra traffic, so together reservable and unreservable

capacity equal to the outgoing traffic, and which is measured by #110).

36.   As per claim 37, **Peleg and Duffield teach** (New) The system of claim 33,

Pelege teaches for use in a network comprising at least a first exchange receiving

traffic from at least a second and a third exchange (**Fig. 3A, #170 is the first**

exchange, it receive traffic from link e1 and e2 can be consider as second and

third exchange), comprising at least one said evaluation module configured for:

obtaining, based on respective distributions of said quantums of traffic generated at said

second and third exchanges (**[0147]: obtaining the distributions of quantums of**

traffic 18 from link e1 and 12 from link e2), traffic dispersion data indicative of:

the traffic (TVmxp) incoming into said first exchange from said second exchange

([0147]: traffic 18 is obtain from second exchange); and

the traffic (TVnxr) incoming into said first exchange from said third exchange **([0147]:**

traffic 12 is obtain from third exchange).

37.   As per claim 38, **Peleg and Duffield teach** (New) The system of claim 37,

Peleg teaches wherein said at least one evaluation module **(Fig. 1, #130 and Fig. 2A,**

#140) is configured for obtaining, based on respective distributions of said quantums of

traffic **([0147]: base on the distribution traffic obtain from link e1 (second), link e2**

(third) and link e3), distribution data representative of the traffic toward a given

destination generated at said first exchange different from traffic (TVmxp, TVnxr)

incoming from said second and third exchanges **([0148] and Fig. 1, #110, #120, Fig.**

2A, #140. if the actual traffic load is different from the reserved capacity, First

exchange will allocate new capacity to each link. Note, distribution data

representative of the traffic is the same as capacity representative of the traffic,

see [0147]: measurement of the traffic … 16, 12, 8 … and 18, 12, 9 units in fact in

use).

38.   As per claim 42. **Peleg and Duffield teach** (New) The system of claim 33,

39.   **Peleg doesn't teaches** wherein said evaluation module is configured for

performing steps of incrementally generating traffic quantums representative of said

traffic and producing a distribution of said traffic quantums in the absence of

interference with operation of said communications network.

40.   **Duffield teaches** wherein said evaluation module is configured for performing

steps of incrementally generating traffic quantums representative of said traffic **(col. 3,**

line 44-51 and please refer to Fig. 11 (sampling subsystem): here the labels are

the traffic quantums, because they both represent the incoming traffic. The label

is also incrementally generated, since in line 46-47: generate a packet label for

each sampled packet, so the more sampled packet coming in, the more labels will

be generate) and producing a distribution of said traffic quantums **(Fig. 5B: is**

producing a distribution of labels to represent traffic, note as above described

traffic quantums is the same as labels) in the absence of interference with operation

of said communications network **(Fig. 11, the input buffer #1120 and sampling**

system #1130 are in different path thus no interference or delay).

41.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to implement Duffield's idea into Peleg talk about the measured

traffic can be represent in a statistical way, and Duffield suggest producing a distribution

of the traffic, the benefit is to give network engineering a clear picture when the traffic is

heavy and what time is light, this help network engineering analysis the network.

42.   Claims 26, 36, 43-44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Peleg (US 2004/0042398) in view of Duffield (US 6873600) and

further in view of Yip (7356584).

43.   As per claim 26, **Peleg and Duffield teach** (New) The method of claim 25,

comprising the steps of:

44.   **Peleg teaches** … otherwise selecting a next choice in said set of routing rules

(Fig.1, #100, select No in this situation, and go to #120, #130, furthermore, #120

and #130 are routing rules).

45.   **Peleg and Duffield do not teach** accepting said traffic quantums to be assigned

to a given link only if the sum of all the traffic portions assigned to said link is smaller

than said load limit set for said link.

46.   **Yip teaches** accepting **(Fig. 4, #409 balancing the load and #415 accepting**

the load) said traffic quantums to be assigned to a given link only if the sum of all the

traffic portions assigned to said link is smaller than said load limit set for said link **(col.**

3, line 14-18: local communication provider may be underutilized … ISP increase

the load to local providers. Note, First, local communication provider consider as

a whole, thus all the links in and out of local communication provider is the sum

of all traffic. Second, traffic quantums smaller than load limit, which means

underutilized.),

47.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to implement Yip's idea into Peleg talk about the measured

traffic can be represent in a statistical way, and Yip suggest assign more load to the

links that are underutilized, the benefit is to use all the resource available. They are in

the analogues art of network capacity or load balancing.

48.   As per claim 36, **Peleg and Duffield teach** (New) The system of claim 33,

comprising a routing rules generating module configured for:

49.   **Peleg teaches** …otherwise selecting a next choice in said set of routing rules

(Fig.1, #100, select No in this situation, and go to #120, #130, furthermore, #120

and #130 are routing rules).

50.   **Peleg and Duffield do not teach** accepting said traffic quantums to be assigned

to a given link only if the sum of all the traffic portions assigned to said link is smaller

than said load limit set for said link, …

51.   **Yip teaches** accepting **(Fig. 4, #409 balancing the load and #415 accepting**

the load) said traffic quantums to be assigned to a given link only if the sum of all the

traffic portions assigned to said link is smaller than said load limit set for said link**(col. 3,
line 14-18: local communication provider may be underutilized ... ISP increase the
load to local providers. Note, First, local communication provider consider as a
whole, thus all the links in and out of local communication provider is the sum of
all traffic. Second, traffic quantums smaller than load limit, which means
underutilized.)**,

52.   Thus it would have been obvious to one of ordinary skill in the art at the time of
the invention was made to implement Yip's idea into Peleg talk about the measured
traffic can be represent in a statistical way, and Yip suggest assign more load to the
links that are underutilized, the benefit is to use all the resource available. They are in
the analogues art of network capacity or load balancing.

53.   As per claim 43. (New) **Duffield teaches** a communication network **(col. 1, line
45-50: packet switching network, local and wide area data network ..., are
communication network)** including a plurality of exchanges **(the exchange can be
each routers in Fig. 1, in a packets switching network)**, comprising a system
according to any one of claims 33-42 **(the following limitation was taught by claims
33-42)**.

54.   As per claim 44, (New) **Duffield teaches** a computer program product capable
(col. 8, line 14-16: digital signal processing chip must have program load into it in

order to run) of being loaded in the memory of at least one computer **(Fig. 1, #50**

computer) and including software code portions for performing the method of any one

of claims 23-32 **(Fig. 1, #50 computer, measurement process in run on computer,**

and it is inherent, that computer has software running on it. the following

limitation was taught by claims 23-32) when the product is capable of being run on a

computer **(Fig. 1, #50 computer, measurement process in run on computer)**.

Allowable Subject Matter

55.   Claims 39-41 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

Conclusion

b.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to FAN NG whose telephone number is

(571)270-3690. The examiner can normally be reached on Monday-Friday;

7:30am-5:30pm.

c.   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Pankaj Kumar can be reached on (571)272-3011. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

d.   Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

56.   57.

58.   /F. N./
59.   Examiner, Art Unit 4145
/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 4145